November 4, 1966

MEMORANDUM TO THE SECRETARY:

From: David C. Acheson

Re: Photographs and X-rays of autopsy of President Kennedy

Attached are the Federal Register item by which the Department of Justice vested title in the United States over the exhibits considered by the Warren Commission, and also newsclips dealing with the transfer of the autopsy materials by the Kennedy family to the National Archives. The transaction may be summarized as follows:

Under the Act of November 2, 1965, title to the Warren Commission materials had to be vested in the government, if at all, by November 2, 1966. This represented no problem for the Department of Justice with respect to the materials in the custody of that department or the National Archives or other government agencies. With respect to the Kennedy autopsy photographs and X-rays, however, there was a problem. The problem was that in April of 1965 those materials had been transferred by the Secret Service to the Kennedy family. Not only was their custody in the Kennedy family after that date, but the Kennedy family regarded them as family property and were very zealous to protect the security of those materials from prying eyes. The Department of Justice's precise problem was that, if it did not exercise the vesting power over those materials by November 2, 1966, it would not thereafter be able to exercise it. At the same time, the department did not wish to vest title to those materials in a manner adversary to the Kennedy family. The prospect of a lawsuit entitled U. S. v. Jacqueline Kennedy was not one that appealed to the Attorney General. Therefore, prior to the expiration of the deadline the Department of Justice had to acquire title for the United States in those materials in a friendly manner, if at all.

	Initiator	Reviewer	Reviewer	Reviewer	Reviewer	
Surname	Acheson	Mr. Barr	Ex. Sec.			
Initials						

Thus, the negotiations ensued between the department and the Kennedy family to acquire title by deed prior to the expiration of the vesting power.

The department's motivation in attempting to acquire title at all, with respect to the autopsy materials, was simply that it was alarmed at the repeated charge of the writers that those materials had been destroyed or suppressed, and that, if examined, they would support the theory that President Kennedy was struck in the front of the throat by one bullet rather than from the rear, and that therefore there must have been two assassins. The department feared that if the materials were forever suppressed or destroyed by the Kennedy family, this charge could never be disproved. The department wished, therefore, to make known the fact that the materials were not suppressed, but were in government custody, and at the same time protect the Kennedy family interest in securing them against curiosity seekers. The agreement between the Kennedy family and the Department of Justice has accomplished both objectives.

The department did not make a formal press release. The facts about the Kennedy-Justice agreement came from Justice in response to press inquiries which were occasioned by the publication of the Federal Register item. The autopsy materials are not included in the items listed in the Federal Register.

Attachments